



Order Filed on May 26, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004

**McMANIMON, SCOTLAND
& BAUMANN, LLC**

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Attorneys for Thomas J. Orr, Chapter 7 Trustee

In re:

JOHN MICHAEL WALSH and ROSEMARY
JOANNE WALSH,

Debtors.

Case No. 19-13567 (KCF)

Honorable Kathryn C. Ferguson, U.S.B.J.

Chapter 7

Hearing Date and Time:
May 25, 2021, at 10:00 a.m.

**ORDER AUTHORIZING SALE OF REAL PROPERTY
LOCATED AT 40 ST. ANDREWS DRIVE, PINEHURST,
NORTH CAROLINA, FREE AND CLEAR OF LIENS,
CLAIMS AND ENCUMBRANCES AND GRANTING
RELATED RELIEF**

Revised as of May 25, 2021

The relief set forth on the following pages, numbered two (2) through four (4), is hereby

ORDERED.

DATED: May 26, 2021


Honorable Kathryn C. Ferguson
United States Bankruptcy Judge

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Debtors: John Michael Walsh and Rosemary Joanne Walsh
Case No. 19-13567 (KCF)
Caption of Order: Order Authorizing Sale of Real Property Located at 40 St. Andrews Drive,
Pinehurst, North Carolina, Free and Clear of Liens, Claims and Encumbrances
and Granting Related Relief

THIS MATTER, having been presented to the Court by Thomas J. Orr, the Chapter 7 Trustee (the “Trustee”) for John Michael Walsh and Rosemary Joanne Walsh, Chapter 7 debtors (“Debtors”), by and through his counsel, McManimon, Scotland & Baumann, LLC, upon the filing of a Motion for an Order Authorizing Sale and Granting Related Relief (the “Motion”) relating to the Trustee’s proposed sale of the Estate’s interest in the real property located 40 St. Andrews Drive, Pinehurst, North Carolina (the “Property”); and due and proper notice of the Motion and related matters before the Court in this case having been given; and the Court having considered the moving papers and the Court having presided over an auction on the return date of the Motion; and good and sufficient cause existing for the granting of the relief as set forth herein,

THE COURT MAKES THE FOLLOWING FINDINGS OF FACT AND CONCLUSIONS OF LAW:

- A. Full and adequate notice of the Motion has been afforded to all interested parties.
- B. The offer made by Pear Tree Properties, L.L.C. (the “Buyer”) in the amount of seventy-seven thousand (\$77,000.00) dollars is the highest and best offer received for the Property and the sale price for the Property constitutes full and adequate consideration and reasonably equivalent value for the Property.
- C. The transaction being proposed by the Trustee was negotiated at arm’s length and in good faith.

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Debtors: John Michael Walsh and Rosemary Joanne Walsh
Case No. 19-13567 (KCF)
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D. The Buyer is a good faith purchaser for value pursuant to Section 363(m) of the Bankruptcy Code and, as such, the sale of the Property is entitled to all of the protections afforded thereby. The Buyer is acting and shall act in good faith within the meaning of Section 363(m) of the Bankruptcy Code in closing the transaction(s) contemplated by in the Contract for Sale.

IT IS HEREBY ORDERED AS FOLLOWS:

1. The Motion is **GRANTED**.
2. The sale of the Trustee's right, title, and interest in the Property to Buyer pursuant to the terms and conditions set forth in the Contract for Sale presented to the Court and related Addendum is hereby approved. The record and transcript of the hearing and all findings and determinations of this Court are hereby incorporated herein.
3. In the event that the Buyer is unable and/or unwilling to consummate the transaction as set forth herein (following an appropriate notice and opportunity to cure), the Trustee is authorized to sell the Property to David and Elena Strickler for the sum of seventy-three thousand dollars (\$73,000).
4. The Trustee is hereby authorized to execute such necessary and appropriate documents in order to effectuate the aforesaid sales.
5. The Property is specifically being sold free and clear of any liens or encumbrances, with valid liens, if any, attaching to the proceeds of sale pursuant to 11 U.S.C. § 363(f).

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Debtors: John Michael Walsh and Rosemary Joanne Walsh
Case No. 19-13567 (KCF)
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6. In addition to payment of valid liens and other standard closing costs as disclosed in the Certification of Trustee in support of the Motion, the Trustee is specifically authorized to make payment to the Broker (as defined in the Certification of Trustee submitted herewith) at closing for the real estate commission in an amount equal to ten percent (10%) of the contract sale price, as well as the flat fee for services of Special Counsel (as defined in the Certification of the Trustee).

7. The Trustee is authorized to execute closing documents for the Property.

8. The Court retains jurisdiction over the parties and this matter for, *inter alia*, purposes of enforcing this order and otherwise implementing the sale.

9. The stay provisions under Fed. R. Bankr. P. 6004(h) be and hereby are waived and, therefore, not applicable to this sale.

In re:
John Michael Walsh
Rosemary Joanne Walsh
Debtors

Case No. 19-13567-KCF
Chapter 7

CERTIFICATE OF NOTICE

District/off: 0312-3
Date Rcvd: May 27, 2021

User: admin
Form ID: pdf903

Page 1 of 2
Total Noticed: 1

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 29, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ John Michael Walsh, Rosemary Joanne Walsh, 299 Medford Lakes Rd., Vincentown, NJ 08088-9083

TOTAL: 1

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI).

NONE

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: May 29, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 27, 2021 at the address(es) listed below:

Name	Email Address
Andrea Dobin	on behalf of Attorney McManimon Scotland & Baumann LLC ecftrustead@msbnj.com NJ55@ecfbis.com
Andrea Dobin	on behalf of Trustee Thomas Orr adobin@msbnj.com
Anthony Scordo, III	on behalf of Joint Debtor Rosemary Joanne Walsh anthonymiscordo@msn.com
Anthony Scordo, III	on behalf of Defendant John Michael Walsh anthonymiscordo@msn.com
Anthony Scordo, III	on behalf of Defendant Rosemary Joanne Walsh anthonymiscordo@msn.com
Anthony Scordo, III	on behalf of Debtor John Michael Walsh anthonymiscordo@msn.com

District/off: 0312-3

User: admin

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Date Rcvd: May 27, 2021

Form ID: pdf903

Total Noticed: 1

Christopher J. Balala	on behalf of Creditor Chicago Title Insurance Company christopher.balala@fnf.com Sarina.Dzierzawiec@fnf.com
Christopher J. Balala	on behalf of Plaintiff Fidelity National Title Insurance Company christopher.balala@fnf.com Sarina.Dzierzawiec@fnf.com
Christopher J. Balala	on behalf of Creditor Fidelity National Title Insurance Company christopher.balala@fnf.com Sarina.Dzierzawiec@fnf.com
Christopher J. Balala	on behalf of Plaintiff Chicago Title Insurance Company christopher.balala@fnf.com Sarina.Dzierzawiec@fnf.com
Denise E. Carlon	on behalf of Creditor Toyota Motor Credit Corporation dcarlon@kmlawgroup.com bkgroup@kmlawgroup.com
Kevin Gordon McDonald	on behalf of Creditor Toyota Motor Credit Corporation kmcdonald@kmlawgroup.com bkgroup@kmlawgroup.com
Michael A. Siravo, IV	on behalf of Trustee Thomas Orr msiravo@msbnj.com msiravo@trenklawfirm.com
Michele M. Dudas	on behalf of Trustee Thomas Orr mdudas@msbnj.com
Michele M. Dudas	on behalf of Plaintiff Thomas J. Orr mdudas@msbnj.com
Thomas Orr	on behalf of Trustee Thomas Orr tom@torrlaw.com Torr@ecf.axiosfs.com
Thomas Orr	tom@torrlaw.com Torr@ecf.axiosfs.com
Thomas Scott Harty	on behalf of Plaintiff Estate of Andrea Price tharty@hartylawgroup.com kharty@hartylawgroup.com
Thomas Scott Harty	on behalf of Plaintiff Estate of Renee Halpecka tharty@hartylawgroup.com kharty@hartylawgroup.com
Thomas Scott Harty	on behalf of Plaintiff Brenda Hedrick tharty@hartylawgroup.com kharty@hartylawgroup.com
Thomas Scott Harty	on behalf of Creditor Brenda Hedrick tharty@hartylawgroup.com kharty@hartylawgroup.com
Thomas Scott Harty	on behalf of Creditor Estate of Renee Halpecka tharty@hartylawgroup.com kharty@hartylawgroup.com
Thomas Scott Harty	on behalf of Creditor Estate of Andrea Price tharty@hartylawgroup.com kharty@hartylawgroup.com
U.S. Trustee	USTPRegion03.NE.ECF@usdoj.gov
TOTAL: 24	